

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Alfred William LaSure	)	C/A No. 9:08-00320-RBH
	)	
Plaintiff,	)	
	)	<b>ORDER</b>
vs.	)	
	)	
Major Gore, South Carolina Department of Corrections,	)	
Corporal Johnson, South Carolina Pubic Safety Officer,	)	
South Carolina Department of Mental Health,	)	
	)	
Defendants.	)	
	)	

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The Plaintiff, *pro se*, instituted this action pursuant to 42 U.S.C. § 1983 on January 31, 2008.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The matter is before this Court on the Report and Recommendation of Magistrate Judge Marchant, which was issued on August 18, 2008. After analyzing the issues presented in this case, the Magistrate Judge recommended that this Court grant [docket entry #20] motion to dismiss. The plaintiff timely filed objections [docket entry #40] on September 20, 2008.

The Magistrate Judge makes only a recommendation to the Court, to which any party may file written objections. The Court is not bound by the recommendation of the Magistrate Judge but, instead, retains responsibility for the final determination. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is required to make a *de novo* determination of those portions of the Report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the Magistrate Judge as to those

portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1).

The Court has reviewed the Complaint, Report and Recommendation by the Magistrate Judge, the applicable law, and the plaintiff's objections. On the basis of the authorities cited by the Magistrate Judge and this Court's review of the record, the Court adopts the Report of the Magistrate Judge and incorporates it into this Order by reference.

The defendants South Carolina Department of Mental Health, the "SC Public Safety Office", and the South Carolina Department of Corrections are dismissed without prejudice.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

January 9, 2009  
Florence, South Carolina